

### **Remarks**

Claims 12-15 are pending in the application, of which claims 12-15 are rejected. The specification and claims 12 and 13 are objected to. Applicant traverses these rejections. By this paper Applicant amends paragraphs 0012, 0013, 0014, 0026 and 0028 to address informalities. Additionally Applicant amends claims 12 and 13 and presents new claims 16-23.

A telephonic interview was conducted on August 27, 2009 with Examiner Morgan and Supervisory Patent Examiner (S.P.E.) Newhouse. The previous claims, as well as proposed claims were discussed with reference to U.S. Patent No. 7,080,751 to Grazziotin. Applicant appreciates the courtesies extended by Examiner Morgan and S.P.E. Newhouse during the interview.

### ***Specification Objections***

The Examiner has objected to the specification for informalities. The Examiner has objected to paragraph [0012] line 1, stating "'assembly (1) is formed . . . ' should be 'assembly (1) formed . . . .'" (Page 2 of the final Office Action of April 23, 2009). Applicant respectfully disagrees. The Marked Up Copy of the Substitute Specification improperly added the text "The solution was to create" rather than removing the text using strikethrough. (page 11 of the Substitute Specification, filed on February 9, 2009). Accordingly, by this paper Applicant has amended paragraph [0012] as follows: "Referring to Figures 1-4 ~~The solution was to create~~ a bag assembly (1) is formed by multiple removable bags . . . ."

The Examiner has objected to paragraph [0013], stating that line 1 is unclear. (Page 2 of the final Office Action of April 23, 2009). Accordingly Applicant has amended paragraph [0013] line 1, as follows: "[t]he removal of the air between the bags of the bag assembly (1) results in support and friction points of contact between the walls of the bags."

The Examiner has objected to paragraph [0014], stating that line 1 is unclear. (Page 2 of the final Office Action of April 23, 2009). Accordingly Applicant has amended paragraph [0014] line 1 as follows: "[t]he bag assembly (1) is configured to allow an innermost internal bag to be removed from the bag assembly without displacing an adjacent bag."

### ***Claim Objections***

The Examiner has objected to claims 12 and 13 for informalities. (page 2 of the final Office Action of April 23, 2009). The Examiner has objected to claim 12 for an informality regarding the spelling of orthogonally. Accordingly, by this paper, claim 12 has been amended to correct the spelling of orthogonally. The Examiner has rejected claim 13, stating "'. . . and fold over . . . ' should be 'and folds over . . . '" Accordingly, by this paper claim 13 has been amended to include "and folds over. . . ."

### ***Claim Rejections - 35 U.S.C. § 103***

#### **Rejection of Claims 12-15**

#### **Over Grazziotin in View of Nestler**

The Examiner has rejected claims 12-15 under 35 U.S.C. § 103 as being unpatentable over Grazziotin (US 7,080,751), herinafter "Grazziotin" in view of Nestler (US 3,512,338), herinafter "Nestler".

Claim 12 requires:

A bag assembly designed to be used in places that accumulate grit and dirt, the bag assembly comprising:

a set of bags including at least two internal bags within an external bag, each bag having a seam extending transversely across a lower end of the bag, the seam forming at least one projection extending outwardly from the lower end of the bag; and wherein each bag is orthogonally nested relative to the adjacent bag or bags, thereby resulting in an offset of the projections to allow an innermost internal bag and any collected grit and dirt to be selectively removed from the bag assembly without displacing the adjacent bag, which can be further used.

(Emphasis added). The Examiner relies on Grazziotin for teaching a bag having a seam extending transversely across a lower end and Nestler for teaching nested bags. (Page 3 of the final Office Action of April 23, 2009).

Grazziotin teaches a removable liner coupled to a receptacle for collection of debris. In one embodiment, Grazziotin teaches a multi-layered bag having a "liner 7 [that] is formed of an outer film layer 25 secured along edges or folds 19 to an internal, thinner film layer 23." (Figs. 9-12, Col. 4, lines 47-50). Grazziotin also teaches a "liner 7 [that] is wedged between the coupling device 71 and the inlet pipe 22. . . ." (Fig. 17, Col. 5, lines 34-35). "The compression of the liner between two pieces is accomplished by a specific arrangement of the relative dimensioning of the coupling piece 71. . . ." (Col. 5, lines 10-13). Although liner 7 that is wedged between the coupling 71 and inlet pipe 22 could prevent the transfer of grit and dirt between adjacent bags of a multilayer bag assembly, the bag assembly embodiment illustrated in Figure 17 is one having a single layer liner 7. The seal is maintained by the dimensional relationship between the different components (coupling device 71, liner 7, pipe 22). The seal would not be maintained by a liner having multiple layers, because the thickness of the liner 7 would change with every removal of an innermost bag. Therefore the combination of Grazziotin

and Nestler does not teach or suggest a set of bags that would "allow an innermost internal bag and any collected grit and dirt to be selectively removed from the bag assembly without displacing the adjacent bag . . . " as claimed. Therefore claim 12 is nonobvious over Grazziotin and Nestler.

Claims 13 - 15 depend from claim 12 and therefore are nonobvious over Grazziotin and Nestler for at least the reasons stated above for claim 12.

### *New Claims*

New claim 16 depends from claim 12 and requires "[t]he bag assembly according to claim 15, wherein the bushing is received by an inlet of the container for forming a seal, the bushing is configured for allowing an innermost internal bag and any collected grit and dirt therein to be selectively removed from the bag assembly without removing the bushing or disrupting the seal." Grazziotin teaches a "liner 7 [that] is wedged between the coupling device 71 and the inlet pipe 22. . . ." (Fig. 17, Col. 5, lines 34-35). However, to remove the liner 7, the coupling device would be removed and the seal would be disrupted (see Figs 14-15). Therefore claim 16 includes limitations that are novel and nonobvious over Grazziotin and Nestler.

New claim 17 requires "at least one bushing . . . being received by an inlet of the container for forming a seal; wherein the bushing is configured for allowing an innermost internal bag . . . to be selectively removed from the bag assembly while the bushing remains connected to the container." Grazziotin teaches a "liner 7 [that] is wedged between the coupling device 71 and the inlet pipe 22. . . ." (Fig. 17, Col. 5, lines 34-35). However, to remove the liner 7, the coupling device would be removed from the container (see Figs 14-15). Therefore claim 17 includes limitations that are novel and nonobvious over Grazziotin and Nestler.

New claims 18-21 depend from claim 17 and are nonobvious over Grazziotin and Nestler for at least the reasons stated above for claim 17.

New claim 22 requires "A method for orienting a nested bag assembly for accumulating grit and dirt, the method comprising: . . . removing an innermost individual bag from the bag assembly, and any material accumulated therein, without removing the bushing, disrupting the seal or displacing an adjacent bag." Grazziotin teaches a "liner 7 [that] is wedged between the coupling device 71 and the inlet pipe 22. . . ." (Fig. 17, Col. 5, lines 34-35). However, to remove the liner 7, the coupling device would be removed and the seal would be disrupted (see Figs 14-15). Therefore claim 22 includes limitations that are novel and nonobvious over Grazziotin and Nestler.

New claim 23 depends from claim 22 and is novel and nonobvious over Grazziotin in view of Nestler for at least the reasons stated above for claim 22.

***Conclusion***

In view of the foregoing, the Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

The Petition fee of \$555.00 along with the RCE filing fee of \$405.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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